UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,469	09/16/2003	Jan-Erik Ekberg	4208-4149	9618

27123	7590	09/20/2006		

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EXAMINER
BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/662,469	EKBERG ET AL.
	Examiner	**Art Unit**	
	Steven Blount	2616	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 August 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 - 63</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>7, 14 and 63</u> is/are allowed.

6)☒ Claim(s) <u>1 - 6, 8 - 13, 15 - 62</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

2.   Claims 1 – 3, 6, 8 – 10, 13, 15, 18, 32 - 62 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. patent 6633757 to Hermann et al in view of U.S. patent U.S. patent

6,738,766 to Peng.

With regard to claim 1, Hermann teaches a device for operating in an ad-hoc wireless

network comprising:

1)   memory 16, wherein the memory stores a directory of all applications resident in

the other communication devices present in the ad-hoc network (see col 7 lines 27+

2)   processor 11

3)   the processor configured to send inquiries to the ad-hoc network and receive

responses concerning services available (col 7 line 33)

4)   a list of identifiers concerning the services (col 11 lines 25+). See also col 16

lines 25+ which discusses independence of protocol layer.

Hermann does not however teach the device to choose an application from the list and

then examine a control parameter associated with the application.

Peng teaches ordering applications in a mobile user based upon frequency of use and

time. See for example col 5 lines 1+. It is also taught that the applications may be uploaded. See

col 7 lines 29+. The use of a parameter in the ordering is taught in col 8 lines 6 to 35. See also

col 2 lines 15+, col 4 lines 45+, and compare paragraph 58 of applicants specification with col 5

lines 4+. Further see col 6 lines 30+, and col 8 lines 10 – 25. Finally, the examiner notes that

choosing an application is taught in col 4 lines 59+, a directory is taught in col 5 lines 15+

(member 218), matching applications is taught in col 6 lines 60+, and further note that actions

described with the application once it is chosen would be obvious to implement through the use

of a parameter. For example, uploading the application as described above would be obvious – if

not completely necessary - to do through the use of a parameter for accomplishing this. The

examiner notes that the use of "various" parameters is taught in col 5 lines 1+, wherein it is

stated that: "each application selection record includes various parameters…"

It would have been obvious to one of ordinary skill in the art at the time of the invention

to have provided Hermann with a means for ordering the applications resident in the device in

light of the teachings of Peng et al in order to provide a means for allowing the user greater ease

of use of the mobile device when communicating with member peers in an ad-hoc network.

With regard to claim 2, note the following: an application is selected based on order of

number of executions, and then a parameter regarding frequency of time is examined. Further,

the URL is another "control parameter" which is examined.

With regard to claim 3, at the very least, the URL would enable distributing the

application.

With regard to claim 6, see the discussion above.

With regard to claims 8 – 10 and 13, see the discussion above wherein all the method

steps are inherent in the discussion of the apparatus.

With regard to claims 15 and 18, see the discussion above and note the implementation in software would be necessary in order to insure the processes repeatability.

With regard to claim 32, see the above and note that the "preferred" application is chosen based upon usage as described in Peng.

With regard to claims 33 – 46, see the rejections above.

With regard to claim 47, note that the means in the specification correspond to the teachings of Hermann/Peng.

With regard to claim 48, see the rejection above.

With regard to claims 49 – 51, note that the applications are listed in the directory in Hermann.

3.   Claims 4 – 5, 11, 12, 16, 17, 19 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6633757 to Hermann et al in view of U.S. patent 6,738,766 to Peng as applied above and further in view of U.S. patent 6,721,787 to Hiscock.

Hermann/Peng teach the invention as described above, but do not teach the use of a connection request message, or connection accept message.

This is taught in Hiscock. See the upper right portion of figure 3.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Hermann/Peng with a connection request/accept message in light of the teachings of Hiscock in order to provide a proper means for effectuating the connection.

4.   Claims 1 – 6, 8– 13, 15 - 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,892,230 to Gu et al in view of U.S. patent 6,738,766 to Peng.

Gu teaches in figure 25 a computer system including a memory and processor (821, 822)

for discovering and storing information regarding other members in an ad-hoc wireless network, as well as their services. See Gu generally, and including col 51 lines 55+ and note that "services" mentioned in this paragraph equate with applications. See also 952 in figure 30. Further note that the device has interaction features to interact with the other device, including "activation of its operational functionality." The use of control parameters are mentioned throughout Gu, and it is noted that the URL being associated with the parameters is mentioned in several places, including col 30 lines 50+ and col 35 lines 5+. (The examiner notes that the use of a "control parameter" in applicants invention, as described in page 22, lines 15+ of the specification, is similarly used, as in Gu, for operating applicants peer device). Also note with respect to the use of parameters, in col 51 lines 40+, the applications (in this embodiment, they would be in files) are presented as style sheets which are obviously associated with parameters. Further, see col 49 lines 60+.

Gu does not however teach the prioritization of the said parameters.

Peng teaches prioritizing the parameters, wherein the parameters are actually associated with applications, as described above.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have prioritized the applications/services of Gu et al in light of the teachings of Peng in order to allow the user to make the most efficient use of the peer member during a communication session with it by making the user interface more accessible.

With regard to claim 2, see the above regarding the control parameter.

With regard to claim 3, the parameter allows the communication.

With regard to claim 4, see col 4 lines 1+ and note TCP is used, wherein it is well known that this protocol follows applicants connection request/acknowledgement scheme.

With regard to cl 5 (erasing), see the discussion in Peng above.

With regard to claim 6, see the discussion of claim 1 above.

With regard to claims 7 – 13, see the above and note the method steps are inherent in the application steps.

With regard to claims 15 – 62, note that the discussion of claims 1 – 13 applies generally to the remaining claims, wherein the use of software to implement the invention would have been obvious in view of the teachings of figures 44+ of Gu et al. Further note that with respect to claim 47, the means in the applicants specification correspond to those in the claimed invention.

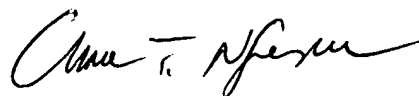5.   Claims 7, 14, and 63 are allowed.

REMARKS

6.   Applicants remarks have been carefully considered. The examiner appreciates the detailedness of the applicants response, which for obvious reasons it has made the examination of this large application easier. Many of the objections to the rejections are now moot in view of the new grounds of rejection. The examiner has provided a detailed rejection wherein the alleged missing features are pointed out. The examiner would like to point out that ordering applications on a screen in a list form is quite obvious, as practically any computer will do this (by time, by frequency of use, etc. as taught in Peng). The examiner notes that any standard operating system or word processor will organize files by date or time. Further, any computer operates on the use of parameters, and to execute any standard function, including opening a file, for example, a parameter must be examined and used to do this.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Steven Blount whose telephone number is 703-305-0319. The

examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ms. Doris To, can be reached on 571 – 272 - 7629. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

SB

9/3/06